

TELSWITCH
INCORPORATED

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FILED
JOHN P. HERMAN
CLERK

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WEST END CINCINNATI

January 3, 2014

Hon. Mag. Karen Litkovitz
United States District Court
Southern District of Ohio
100 East Fifth Street, Room 716
Cincinnati, OH 45202

Ref: 1:13-cv-00524-SAS-KLL
Brown v. FNCB

Dear Hon. Mag. Karen Litkovitz;

Attached is a copy of correspondence that I have sent to Mr. Christian A. Jenkins, counsel for Dennis Brown et. al. in reference to subpoena personally received by TelSwitch, Inc.

- (a) We need the subpoena to be re-served to us without the d/b/a Rapid Announce.
- (b) Our company has a policy of requiring reasonable expenses and fee(s) per Rule 45.

We respectfully ask:

- (a) That Mr. Jenkins re-notice a corrected subpoena (attached) before January 8th.


OR

- (b) If Mr. Jenkins re-notices a corrected subpoena after January 8th, that we prayfully be afforded additional time (perhaps an additional week) so that we may thoroughly and completely comply with the subpoena.

In either case, reasonable expenses and fee(s) per Rule 45 are requested.

Feel free to contact me at (209) 915-2483 (mobile) if you have any questions.

Respectfully,


Aaron Woolfson
President, TelSwitch, Inc.

Attachments;

cc: Mr. Brian M. Spiess, Montgomery, Rennie & Jonson, counsel for FNCB
Christian A. Jenkins., counsel for Dennis Brown



tel: 209-235-5555 • fax: 209-235-5565 •

13-CV-00524	
BROWN.V FNCB	J. District CH

January 3, 2014

Mr. Jenkins,

We are returning this subpoena to you as incorrect. Please re-notice/re-issue this without the dba Rapid Announce. We waive requirement for personal service - you may email us. Additionally, per rule 45, we are attaching the agreement for reasonable fees. We require these up-front.

My schedule is extremely impacted. I have a January 10th deposition, two site inspections, and a trial starting on January 18th in Los Angeles. It is highly unlikely that I will be able to comply with your production date of 1/20/2014, unless we receive the agreement before 01/8/2014, along with payment.

Respectfully,

A handwritten signature in dark ink, appearing to read "Aero Woolf".

TelSwitch, Inc.

cc: counsel for FNCB.

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

Dennis Brown, et al.

Plaintiff

v.

First National Collection Bureau, Inc.

Defendant

Civil Action No. 13-CV-00524 (S.D. Ohio)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: TelSwitch, Inc. d/b/a Rapid Announce, Attn. Aaron David Woolfson
343 East Main Street, Ste. 319, Stockton, CA 95202

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A

Place: Frazier Litigation Support Services
242 N. Sutter Street, Ste. 507
Stockton, CA 95202

Date and Time:

01/20/2014 10:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached ~ Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 12/24/2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Christian A. Jenkins (Ph. 513 723-1600)
Attorney's signature for Christian A. Jenkins

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Dennis Brown

, who issues or requests this subpoena, are:

Christian A. Jenkins, Minnello & Jenkins Co. LPA, 2712 Observatory Avenue, Cincinnati, Ohio 45208
Tel (513) 723-1600, Fax (513) 723-1620, cjenkins@minnellojenkins.com

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Exhibit A

Documents To Be Produced by TelSwitch, Inc. d/b/a Rapid Announce

1. All contracts and agreements for any goods or services between TelSwitch, Inc. and First National Collection Bureau, Inc. entered into at any time during the preceding five years;
2. All invoices, reports, statements, summaries, presentations and proposals relating to goods or services provided by TelSwitch, Inc. to First National Collection Bureau, Inc. during the preceding five years;
3. All correspondence, including without limitation faxes and emails, between TelSwitch, Inc. (or any of its agents or employees) and First National Collection Bureau, Inc. (or any of its agents or employees), during the preceding five years;
4. All proposals, plans, designs, reports, memoranda, powerpoint presentations, documents, whether electronic or otherwise, and electronically stored information relating in any way to First National Collection Bureau, including but not limited to the following:
 - activity reports
 - compliance policies, procedures and reports
 - do-not-call registry compliance
 - permission-based voice messaging
 - auto-dialer implementation and/or usage
 - predictive dialer implementation and/or usage
 - call recordings
 - FDCPA compliance policies, procedures and reports
 - TCPA compliance policies, procedures and reports
 - complaints and investigations
 - maintenance and/or support services
5. All policies, procedures and/or practices in effect at TelSwitch, Inc. and/or Rapid Announce during the preceding five years relating to debt collection practices, auto-dialer usage, FDCPA compliance, TCPA compliance and state debt collection law compliance.

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January 2, 2014

To: Christian Jenkins
Minnillo-Jenkins, LLP

From: Aaron Woolfson
TelSwitch, Inc.

Re: Brown v. FNCB. (13-CV-00524)

This letter confirms our understanding of engagement in the matter of Brown v. FNCB for purposes of complying with Subpoena for Documents, personally served on TelSwitch, Inc.

You have asked TelSwitch, Inc. (Aaron Woolfson) to provide documents responsive to Subpoena. This letter contains our company's policies regarding compliance with Subpoenas, including charges for fees and expenses.

All work will be performed by Aaron Woolfson or under his direction. All work will be performed at the request of Minnillo-Jenkins, responsive to the Subpoena. All items asked for will be delivered directly to you or your firm, or your firm's designated agent (within 100 miles of current location).

Any documents we may prepare will be at your request. You have asked us to begin work immediately, pending our receipt of a \$1440.00 retainer, which will be applied to our ongoing billing.

Professional Fees

TelSwitch, Inc.'s subpoena-response fees will be based on a rate of \$78.00 per hour, billed in 1/10th hour increments. You will be charged for actual time spent on this matter. Expenses for travel, lodging, printing and other reasonable expenses will be billed at our cost as pass-through, and are due within 30 days.

Time for depositions or court testimony is billed in half-day or full-day increments of \$1,300 for half day or \$2,600 per full day plus \$325.00 per hour for time in excess of 8 hours per day.

Travel Fees

In any event that travel is required for meetings, depositions, hearings or court appearances we will bill based on an hourly rate of ½ of the \$325.00 rate (\$162.50 per hour) capped at 8 hours, billed in 1/10th hour increments.

Deposition by Counsel

Fees and costs relating to deposition testimony to be paid by counsel are to be paid at the time of deposition.

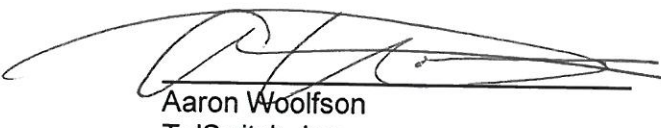
Billing and Payment

We will submit detailed bills for time and expenses monthly, or at any time when the amount due exceeds the \$1440.00 retainer. Bills will be submitted by US Mail.

Bills are to be paid within 30 days of receipt. We reserve the right to stop any and/or all further work on any matter if the policies outlined here are not followed, until a mutually agreeable arrangement is reached.

Please sign a copy of this letter and send it along with the retainer as our authorization to proceed.

Very truly yours,



Aaron Woolfson
TelSwitch, Inc.

Date: 01-03-2014

Accepted by
Minnillo-Jenkins, LLP

Date: _____